

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAMELA HOSIE,	:
Individually and on behalf of all others	:
similarly situated,	:
	: 07 Civ. 9515 (BSJ) (KNF)
Plaintiff,	:
	:
- against -	:
	:
COLGATE-PALMOLIVE COMPANY	:
EMPLOYEE RETIREMENT INCOME	:
PLAN, COLGATE-PALMOLIVE	:
COMPANY, as Plan Administrator,	:
	:
Defendants.	:
-----X	:

[Additional captions follow]

PLAINTIFFS PAMELA HOSIE, PAUL CAUFIELD, PAUL ABELMAN, VALERIE R. NUTTER, WARREN JEMMOTT, SUSAN BYRD, ADRIANA VASQUEZ AND CORA NELSON-MANLEY'S [PROPOSED] PRETRIAL ORDER NO. 1 CONSOLIDATING THE ERISA ACTIONS AND APPOINTING INTERIM CO-LEAD CLASS COUNSEL

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PAUL CAUFIELD,	:
Individually and on behalf of all others	:
similarly situated,	:
	: 08 Civ. 3316 (BSJ) (KNF)
Plaintiff,	:
	:
- against -	:
	:
COLGATE-PALMOLIVE COMPANY	:
EMPLOYEES' RETIREMENT INCOME	:
PLAN	:
Defendant.	:
-----X	
-----X	
PAUL ABELMAN, et al.	:
Individually and on behalf of all others	:
similarly situated,	:
	: 08 Civ. 3317 (BSJ) (KNF)
Plaintiffs,	:
	:
- against -	:
	:
COLGATE-PALMOLIVE COMPANY, and	:
COLGATE-PALMOLIVE COMPANY	:
EMPLOYEES' RETIREMENT INCOME	:
PLAN, et al.,	:
Defendants.	:
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Based on its consideration of the Motion by Plaintiffs Pamela Hosie, Paul Caufield, Paul Abelman, Valerie R. Nutter, Warren Jemmott, Susan Byrd, Adriana Vasquez and Cora Nelson-Manley (“Plaintiffs”) for Consolidation of Related ERISA Actions and for Appointment of Interim Co-Lead Class Counsel, and any responses, argument, and authorities pertaining thereto, and the record in the above-captioned cases, the Court hereby ORDERS as follows:

1. Plaintiffs’ motion to consolidate is GRANTED. Accordingly, the following related actions are hereby consolidated for all purposes, pursuant to FED. R. CIV. P. 42(a):

- *Hosie v. Colgate-Palmolive Co., et al.*, No. 07-9515 (S.D.N.Y.);
- *Caufield v. Colgate-Palmolive Co., et al.*, No. 08-3316 (S.D.N.Y.); and
- *Abelman, et. al. v. Colgate-Palmolive Co., et al.*, No. 08-3317 (S.D.N.Y.);

Based on the Court’s review of the complaints on file in this action and the complaints in the above-captioned ERISA Actions, the lawsuits involve identical questions of law and fact, and consolidating these actions will avoid unnecessary waste of judicial resources and additional cost and delay to the parties.

2. The caption of these consolidated actions shall be “*In re: Colgate-Palmolive Co. ERISA Litigation*” and the files of these consolidated actions shall be maintained in one file under Master File No. 07-CV-9515 (the “Consolidated Action”). Any other actions now pending or later filed in this district which arise out of or are related to the same facts as alleged in the above-identified cases shall, until further order of this Court, be consolidated for all purposes pursuant FED. R. CIV. P. 42(a) into the Consolidated Action, if and when they are brought to the Court’s attention.

3. All pleadings filed in the Consolidated Action, or in any separate action included herein, shall bear the following caption:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE COLGATE-PALMOLIVE CO. ERISA
LITIGATION

MASTER FILE NO. 07-CV-9515

THIS DOCUMENT RELATES TO:

4. When a pleading or other court paper filed in the Consolidated Action is intended to apply to all actions therein, the words “All Actions” shall appear immediately after the words “THIS DOCUMENT RELATES TO:” in the caption set out above. When a pleading or other court paper is intended to be applicable to less than all such actions, the party filing the document shall indicate, immediately after the words “THIS DOCUMENT RELATES TO:” the action(s) to which the document is intended to be applicable by last name of the plaintiff(s) and the docket number(s).

5. Movant's selection of Schiffrin Barroway Topaz & Kessler, LLP, Korein Tillery, LLC, Gottesdiener Law Firm, PLLC and Edgar Pauk, Esq. to serve as Interim Co-Lead Class Counsel is approved. Schiffrin Barroway Topaz & Kessler, LLP, Korein Tillery, LLC, Gottesdiener Law Firm, PLLC and Edgar Pauk, Esq. are hereby appointed Interim Co-Lead Class Counsel in the Consolidated Action.

6. Interim Co-Lead Class Counsel shall have the authority to perform or delegate the performance of the following matters on behalf of all Plaintiffs in the Consolidated Action:

(a) directing, coordinating, and supervising the prosecution of Plaintiffs' claims in the Consolidated Action;

(b) initiating, responding to, scheduling, briefing, and arguing all motions;

- (c) appearing at all hearings and conferences regarding the case;
- (d) determining the scope, order, and conduct of all discovery proceedings;
- (e) assigning work to Plaintiffs' counsel as necessary and appropriate under the circumstances;
- (f) retaining experts;
- (g) communicating with the Court;
- (h) communicating with Defendants' counsel;
- (i) conducting settlement negotiations on behalf of Named Plaintiffs and the class;
- (j) collecting and reviewing time and expense records from all Plaintiffs' counsel on a monthly basis and at the conclusion of the case, as necessary and appropriate under the circumstances, and submitting a fee and costs application;
- (k) coordinating activities to avoid duplication and inefficiency in the filing, serving, and/or implementation of pleadings, other court papers, discovery papers, and discovery practice, and, generally, in the litigation; and
- (l) performing such other duties that may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further order of the Court.

7. Interim Co-Lead Class Counsel shall have authority to communicate with Defendants' counsel and the Court. Interim Co-Lead Class Counsel shall also have the authority to enter into agreements with Defendants' counsel that are binding on all Plaintiffs.

8. Defendants may satisfy their service obligations under Fed. R. Civ. P. 5(a) by serving Interim Co-Lead Class Counsel.

9. Interim Co-Lead Class Counsel shall confer with counsel for Defendants and, within two weeks from the date of this Order, or as soon as practicable thereafter, Plaintiffs and Defendants shall submit a proposed preliminary schedule including the following:

- (a) The date by which Plaintiffs will file a Consolidated Complaint;
- (b) The date by which Defendants will answer or otherwise respond to the Consolidated Complaint; and
- (c) The date by which Plaintiffs will move for Class certification.

IT IS SO ORDERED.

Dated this _____ day of _____, 200____.

UNITED STATES DISTRICT JUDGE

Presented by,

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Adriana Vasquez and Cora Nelson-Manley
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